



INTERNATIONAL PRELIMINARY EXA	AMINING AUTHORITY				
To: LAURENCE P. COLTON TECHNOPROP COLTON LLC PO BOX 567685		PCT			
ATLANTA, GA 31156-7685			WRITTEN OPINION		
·		(PCT Rule 66)			
		Date of Mailing (day/month/year)	26 JUN 2001		
Applicant's or agent's file reference		REPLY DUE	within 2 months/days from		
20101.002WO			the above date of mailing		
International application No.	International filing date	(day/month/year)	Priority date (day/month/year)		
PCT/US00/26285	22 September 2000 (22.		24 September 1999 (24.09.1999)		
International Patent Classification (IPC)	or both national classification	tion and IPC			
IPC(7): G06F 17/60 and US Cl.: 705/2					
Applicant			•		
MARTIN, PAMELA R.					
1. This written opinion is the fir	st (first, etc,) drawn by	this International Pre	liminary Examining Authority.		
2. This opinion contains indication	ons relating to the followi	ng items:			
I Basis of the opinion	on				
II Priority					
III Nonblishment of opinion with regard to novelty, inventive step and industrial applicability					
IV Lack of unity of invention					
V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicabilic citations and explanations supporting such statement			y, inventive step or industrial applicability;		

The applicant is hereby invited to reply to this opinion.

Certain defects in the international application

Certain observations on the international application

When?

Certain documents cited

See the time limit indicated above. The applicant may, before the expiration of that time limit, request

this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.

For the form and the language of the amendments, see Rules 66.8 and 66.9.

For an additional opportunity to submit amendments, see Rule 66.4. Also

For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.

For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

The final date by which the international preliminary

examination report must be established according to Rule 69.2 is: 24 January 2002 (24.01.2002)

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230

VI

VII

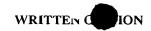
VIII

Authorized office

Tariq Hafiz

Telephone No. 703.305.3900

Form PCT/IPEA/408 (cover sheet)(July 1998)



Internation application No.	
PCT/US00/26285	•

I.	Basi	is of the opinion	
1.	With	h regard to the elements of the international application:*	
	\boxtimes	the international application as originally filed	
	X	the description:	
		pages 1-10, as originally filed	
		pages NONE, filed with the demand	
		pages NONE , filed with the letter of	
	\boxtimes	the claims:	
	4	pages 11 and 12 , as originally filed	
		pages NONE , as amended (together with any statement) under Article 19	
		pages NONE , filed with the demand	
		pages NONE , filed with the letter of	
	\boxtimes	the drawings:	
		pages 1, as originally filed	
		pages NONE , filed with the demand	
		pages NONE , filed with the letter of	
	X	the sequence listing part of the description:	
		pages NONE, as originally filed	
		pages NONE , filed with the demand	
		pages NONE , filed with the letter of	
	langu	th regard to the language, all the elements marked above were available or furnished to this Authority in guage in which the international application was filed, unless otherwise indicated under this item. se elements were available or furnished to this Authority in the following language	the which is:
		the language of a translation furnished for the purposes of international search (under Rule23.1(b)).	
	\Box	the language of publication of the international application (under Rule 48.3(b)).	
		the language of the translation furnished for the purposes of international preliminary examination (u.u.c. 55.2 and/or 55.3).	r Rules
		th regard to any nucleotide and/or amino acid sequence disclosed in the international application, the wation was drawn on the basis of the sequence listing:	ritten
		contained in the international application in printed form.	
	Ħ	filed together with the international application in computer readable form.	
	Ħ	furnished subsequently to this Authority in written form.	
	Ħ	furnished subsequently to this Authority in computer readable form.	
	Ħ	The statement that the subsequently furnished written sequence listing does not go beyond the disclosur	o in the
	LI	international application as filed has been furnished.	e m me
		The statement that the information recorded in computer readable form is identical to the written sequen	nce listing
		has been furnished.	uce name
4.	\boxtimes	The amendments have resulted in the cancellation of:	
		the description, pages NONE	
		the claims, Nos. NONE	
		the drawings, sheets/fig NONE	
5.		This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered	to go
		beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).	w go
		acement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are ref nion as "originally filed."	erred to in



Form PCT/IPEA/408 (Box V) (July 1998)

International a lation No. PCT/US00/26285

V. Reasoned statement under Rule 66.2(a)(i citations and explanations supporting such	ii) with regard to novelty, inventive step or induch th statement	ustrial applicability;
1. STATEMENT		
Novelty (N)	Claims NONE Claims 1-17	YES NO
Inventive Step (IS)	Claims 1-17 Claims NONE	NO
Industrial Applicability (IA)	Claims 1-17 Claims NONE	YES NO
2. CITATIONS AND EXPLANATIONS Please See Continuation Sheet		
·		
	,	

Internacional dication No. PCT/US00/26285

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

Claims 1-17 lack an inventive step under PCT Article 33(3) as being obvious over the Prudential Health Care Plan of the Mid-Atlantic (1993).

The examiner has interpreted a central clearinghouse to include the administrators of health care plans, particularly managed care plans such as HMO's and certain PPO's. The specification defines a central clearinghouse as administering the financial aspects of the system. Specification, pg. 5. While it is noted that Applicant states that it is an objective of the invention to "provide a system for the payment of professional services that is not an insurance product," and to "provide a system for the payment of professional services outside of the current insurance system," applicant's claims define an insurance system and provide no differentiation. Specification, pg. 4.

As to claims 1 and 13, the Prudential Health Care Plan of the Mid-Atlantic teaches a system for the payment of fees (the Plan) comprising:

- a. service providers (Facts About Prudential Health Care Plan specific physicians, hospitals, specialty doctors pg. 6; Non-FEHB benefits available to Plan members dental, vision, fitness pg. 17);
 - b. service receivers (Facts About Prudential Health Care Plan you and your family pg. 6); and
 - c. a clearinghouse (Facts About Prudential Health Care Plan the Plan pg. 6),

wherein, the service providers subscribe with the clearinghouse to provide services to the service receivers, the service receivers subscribe with the clearinghouse to receive services from the service providers, the clearinghouse collects plan fees from the service receivers and distributes at least a portion of the plan fees to the service providers as payment fees, and the service receivers receive services from the service provider (Facts About Prudential Health Care Plan - "you are joining an organized system of health care that arranges in advance with specific physicians and hospitals to give care to members and pays them directly for their services" - pg. 6).

As to claims 2 and 14, the Prudential Health Care Plan of the Mid-Atlantic teaches that there is a bi-weekly premium collected, i.e. plan fees are collected on a set periodical basis for a set period of time (Chart - pg. 1).

As to claim 6, the Prudential Health Care Plan of the Mid-Atlantic teaches that "you pay a \$5 primary care office visit copay; a \$10 copay for specialty care office visits." (Medical and Surgical Benefits - pg. 10).

As to claim 7, the Prudential Health Care Plan of the Mid-Atlantic teaches that "each member must make ... [a] ... selection of a primary care doctor." (Role of a primary care doctor - pg. 6).

As to claim 8, the Prudential Health Care Plan of the Mid-Atlantic teaches that "you pay a ... \$10 copay for specialty care office visits," i.e. if the services receiver is provided services from a service provider not designated as the primary service provider, the service receiver pays to the non-primary service provider a service fee.

As to claim 9, the Prudential Health Care Plan of the Mid-Atlantic teaches that "covered benefits are available only from Plan providers except during a medical emergency" (Facts about Prudential Health Care Plan - pg. 6) and that care by non-Plan doctors or

Form PCT/IPEA/408 (Supplemental Box) (July 1998)



Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

hospitals except for authorized referrals or emergencies are excluded (General Exclusions - pg. 9), i.e. the service receiver receives services from a service provider that is not subscribed to the clearinghouse, no fee is paid to the service provider by the clearinghouse and the service receiver is liable for the service provider's entire fee.

As to claim 12, traditional insurance coverage for prescription drugs, dental services and vision services are offered in combination with the services disclosed in Claim 1. (Prescription Drug Benefits - pg. 14, and Non-FEHB Benefits Available to Plan Members - pg. 17).

As to claims 3 and 15, the Prudential Health Care Plan of the Mid-Atlantic teaches all of the elements claimed with the exception of the clearing house distributing the payment fees to the service providers on a set periodical basis for a set period of time. The business practice of "distributing" or paying for multiple services on a monthly, biweekly or weekly basis is an old and well-established business practice. This practice is designed to increase the efficiency of processing payments, as well as reducing the number of checks or other negotiable instruments and thus, decreasing the overall paperwork. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a set periodical basis for a set period of time to distribute fees to the service providers to increase the efficiency of the payment regime.

As to claims 4-5 and 16, the Prudential Health Care Plan of the Mid-Atlantic teaches that "members must receive a referral from their primary care doctor before seeing any other doctor or obtaining special services"; that members "must return to the primary care doctor after consultation;" that "all follow-up care must be provided or authorized by the primary care doctor;" that "if additional services or visits are suggested by the consultant, members should first check with their primary care doctor;" and that one "does not go to the specialist unless your primary care doctor has arranged for and Plan has issued an authorization in advance," i.e. that the service providers provide a predetermined type or quantity of services to the service receivers. (Facts about Prudential Health Care Plan - pg. 7).

As to claims 10-11, the Prudential Health Care Plan of the Mid-Atlantic teaches that "members must receive a referral from their primary care doctor before seeing any other doctor or obtaining special services"; that members "must return to the primary care doctor after consultation;" that "all follow-up care must be provided or authorized by the primary care doctor;" that "if additional services or visits are suggested by the consultant, members should first check with their primary care doctor;" and that one "does not go to the specialist unless your primary care doctor has arranged for and Plan has issued an authorization in advance." (Facts about Prudential Health Care Plan - pg. 7).

Claim 17 is rejected for the same reason as set forth in claim 6.

Claims 1-6 and 9-11 lack an inventive step under PCT Article 33(3) as being obvious over Alec M. Schwartz, A Lawyer's Guide to Prepaid Legal Services, Legal Economics, July/August 1989, pp. 43-49.

As to claim 1, Schwartz teaches a system for the payment of legal fees (pg. 43 - title) comprising:

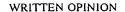
- a. service providers (Lawyers "typical role for the private practioner is that of legal service provider for plan members" pg. 43);
- b. service receivers (Plan members "typical role for the private practioner is that of legal service provider for plan members" pg. 43); and
- c. a clearinghouse (Legal Service Plan "the consumer pays, or has paid in his or her behalf, from \$50 to \$200 a year to a legal service plan, in return for which he or she is eligible to use a lawyer for services which otherwise would cost hundreds or thousands of dollars" pg. 43),

wherein, the service providers subscribe with the clearinghouse to provide services to the service receivers, the service receivers subscribe with the clearinghouse to receive services from the service providers, the clearinghouse collects plan fees from the service receivers and distributes at least a portion of the plan fees to the service providers as payment fees, and the service receivers receive services from the service provider (The Lawyers - "there is some sort of system which organizes lawyers into a contract service provider panel ... who agree to the terms and conditions under which the plan is operated" - pg. 46; Legal Service Plan - "the consumer pays, or has paid in his or her behalf, from \$50 to \$200 a year to a legal service plan, in return for which he or she is eligible to use a lawyer for services which otherwise would cost hundreds or thousands of dollars" - pg. 43; The Plan Administrator or Third Party - "handles plan finances, collects contributions, enrolls members, provides plan descriptions and forms to members, processes and pays claims and files reports required by regulatory agencies" - pg. 46).

As to claim 2, Schwartz teaches all of the elements claimed with the exception of the clearinghouse collecting plan fees from the service receivers on a set periodical basis for a set period of time. The business practice of having weekly, biweekly or monthly premium payments is an old and well-established business practice. This practice is designed to spread the payments out over a period of time thereby permitting consumers to afford to participate in a plan. It would have been obvious to one of ordinary skill in the art at the time of the invention to permit set periodical payments over a set period of time to maximize the potential enrollees and thus increase revenues.

As to claim 3, Schwartz teaches all of the elements claimed with the exception of the clearing house distributing the payment fees to the service providers on a set periodical basis for a set period of time. The business practice of "distributing" or paying for multiple services on a monthly, biweekly or weekly basis is an old and well-established business practice. This practice is designed to increase the efficiency of processing payments, as well as reducing the number of checks or other negotiable instruments and thus, decreasing the overall paperwork. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a set periodical basis for a set period of time to distribute fees to the service providers to increase the efficiency of the payment regime.

As to claims 4-5 and 10-11, Schwartz teaches that "benefits can be stated either in terms of the type of legal problems covered or the type of law service for which the plan will pay ... wills and estates ... may cover unlimited legal advice and consultation by telephone and pay up to a certain amount for services performed" and that "coverage limits may be specified either in





Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

terms of money or by stating the number of hours of attorney time for which the plan will pay. Alternatively, the benefit schedule may specify each service for which the plan will pay or provide, regardless of the cost or the time spent." (More Terminology: The Benefits and Exclusions - pp. 48-49).

As to claim 6, Schwartz teaches that "deductibles and copayments can be applied to some benefits." (More Terminology: The Benefits and Exclusions - pg. 49).

As to claim 9, Schwartz teaches that "exclusions are commonly used to limit coverage" (More Terminology: The Benefits and Exclusions - pg. 49;) and that there are closed panel plans which require that lawyers chosen by the plan must be used if consumers are to receive benefits under the plan (The Lawyers - pg. 46).

PATENT COOPERATION TREATY





INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 20101.002WO	FOR FURTHER ACTION	(Form PC'l below.	ation of Transmittal of International Search Report [//ISA/220] as well as, where applicable, item 5				
International application No. PCT/US(X)/26285	International filing date (day/month/year) 22 September 2000 (22.09.2000)		(Earliest) Priority Date (day/month/year) 24 September 1999 (24.09.1999)				
Applicant MARTIN, PAMELA R.							
This international search report has bee applicant according to Article 18. A control of the con	opy is being transmitted to the m	CHARIONAL	Buleau.				
Basis of the Report With regard to the language language in which it was file	, the international search was carri	ed out on the	ne basis of the international application in the				
Authority (Rule 23.1(b)).	as carried out on the basis of a tran	slation of t	the international application furnished to this				
contained in the internation	nal application in written form. ernational application in computer this Authority in written form.	readable fo	onn.				
furnished subsequently to the statement that the sub- integrational application is	this Authority in computer readab sequently furnished written sequents filed has been furnished.	ce listing d	loes not go beyond the disclosure in the				
the statement that the infe	ornation recorded in computer rea	dable form	is identical to the written sequence listing has				
3. Unity of invention is lac 4. With regard to the title.	king (See Box II).						
	ibmitted by the applicant. hed by this Authority to read as fo	llows:					
	abmitted by the applicant. shed, according to Rule 38.2(b), by Trom the date of mailing of this into	y this Autho ernational s	ority as it appears in Box III. The applicant search report, submit comments to this				
6. The figure of the drawings to be as suggested by the appl because the applicant fai		ure No. <u>1</u>	None of the figures				
1 —	r characterizes the invention.						

Form PCT/ISA/210 (first sheet) (July 1998)

Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

NEW ABSTRACT

A system for the payment of fees having service providers Fig. 1 (14), service receivers (16), and a clearinghouse (12), in which the service providers (14) subscribe with the clearinghouse (12) to provide services to the service receivers (16), the service receivers (16) subscribe with the clearinghouse (12) to receive services from the service providers (14), the clearinghouse (12) collects plan fees from the service receivers (16) and distributes at least a portion of the plan fees to the service providers (14) as payment fees, and the service receivers (16) receive services from the service providers (14).

Form PCT/ISA/210 (continuation of first sheet(2)) (July 1998)

INTERNATIONAL SEARCH REPORT

ntern	"application	No.

PCT/US00/26285

A. CLASSIFICATION OF SUBJECT MATTER					
IPC(7) : G06F 17/60 US CL : 705/2					
According to International Patent Classification (IPC) or to both n	ational classification and IPC				
B. FIELDS SEARCHED					
Minimum documentation searched (classification system followed U.S.: 705/2	by classification symbols)				
Documentation searched other than minimum documentation to the	e extent that such documents are included in the fields searched				
Electronic data base consulted during the international search (nar Diaglog, East	ne of data base and, where practicable, search terms used)				
C. DOCUMENTS CONSIDERED TO BE RELEVANT					
Category * Citation of document, with indication, where a	propriate, of the relevant passages Relevant to claim No.				
X Prudential Health Care Plan of the Mid-Atlantic, 19					
Y .	3-5, 15-17				
X The 1994-95 Group Insurance Program for IEEE M	lembers, pages 15-29. 1-2, 6-14				
	3-5, 15-17				
Y					
Y US 5,235,507 A (SACKLER et al.) 10 August 199	3 (10.08.1993), Abstract, columns 1-4, 1-17				
especially column 1, lines 50-58.					
Further documents are listed in the continuation of Box C.	See patent family annex.				
Special categories of cit. cuments:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the				
"A" document defining the general state of the art which is not considered to be of particular relevance	principle or theory underlying the invention				
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone				
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is				
combined with one or more other such documents, such combination being obvious to a person skilled in the art					
P document published prior to the international filing date but later than the "&" document member of the same patent family priority date claimed					
Date of the actual completion of the international search Date of mailing of the international search report 09 JAN 2001					
()4 December 2000 (04.12.2000)					
Commissions of Paragraph and Trademarks					
Box PCT Tariq Haliz					
Washington, D.C. 20231 Facsimile No. (703)305-3230	Telephone No. 703.305.3900				

Form PCT/ISA/210 (second sheet) (July 1998)



PCT

REC'D 29	OCT	2001
WIPO	F	CT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTIO	ON See Notification	on of Transmittal of International	
20101.002WO	FOR FURTIER ACTION	Preliminary E	Examination Report (Form PCT/IPEA/416)	
International application No. International filing date (/month/year)	Priority date (day/month/year)	
PCT/US00/26285	22 September 2000 (22.09.2	2000)	24 September 1999 (24.09.1999)	
International Patent Classification (IPC)	or national classification and I	PC		
IPC(7): G06F 17/60 and US Cl.: 705/2				
Applicant				
MARTIN, PAMELA R.				
	ary examination report has is transmitted to the applica		this International Preliminary	
2. This REPORT consists of	a total of sheets, include	ding this cover she	et.	
which have been ame	ended and are the basis for	this report and/or	description, claims and/or drawings sheets containing rectifications made inistrative Instructions under the PCT).	
These annexes consist of a	total of sheets.			
3. This report contains indications relating to the following items:				
I Basis of the report				
II Priority				
III Non-establishm	ent of report with regard to	novelty, inventive	e step and industrial applicability	
IV Lack of unity of				
	nent under Article 35(2) wi tations and explanations sup		ty, inventive step or industrial	
VI Certain docume		-		
VII Certain defects	in the international applicat	tion		
VIII Certain observa	tions on the international a	pplication		
Date of submission of the demand	I	Date of completion	of this report	
24 May 2001 (24.05.2001)	2	25 September 2001 (25.09.2001)		
Name and mailing address of the IPEA/	US A	Authorized officer		
Commissioner of Patents and Trademarks Box PCT		Tariq Hafiz	amea R. Matthews	
Washington, D.C. 20231 Facsimile No. (703)305-3230		Telephone No. 703.	305 3900	

Form PCT/IPEA/409 (cover sheet)(July 1998)



International	application	No.

PCT/US00/26285

I.	Basi	s of the report				
1.	With	regard to the elements of the international application:*				
	\boxtimes	the international application as originally filed.				
	冈	the description:				
		pages 1-10 as originally filed				
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		pages NONE , filed with the letter of				
	\boxtimes	the claims:				
		pages 11 and 12, as originally filed				
		pages NONE, as amended (together with any statement) under Article 19				
		pages NONE , filed with the demand				
		pages NONE, filed with the letter of				
	\bowtie	the drawings:				
		pages 1, as originally filed				
		pages NONE , filed with the demand pages NONE , filed with the letter of .				
		the sequence listing part of the description:				
		pages NONE , as originally filed pages NONE , filed with the demand				
		pages NONE , filed with the letter of .				
2.	With	regard to the language, all the elements marked above were available or furnished to this Authority in the				
		page in which the international application was filed, unless otherwise indicated under this item.				
		e elements were available or furnished to this Authority in the following language which is:				
		the language of a translation furnished for the purposes of international search (under Rule23.1(b)).				
	同	the language of publication of the international application (under Rule 48.3(b)).				
	Ħ	the language of the translation furnished for the purposes of international preliminary examination (under Rules				
		55.2 and/or 55.3).				
3.		n regard to any nucleotide and/or amino acid sequence disclosed in the international application, the national preliminary examination was carried out on the basis of the sequence listing:				
		contained in the international application in printed form.				
	Ħ	filed together with the international application in computer readable form.				
	H	-				
	H	furnished subsequently to this Authority in written form.				
	H	furnished subsequently to this Authority in computer readable form.				
	Ш	The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the				
		international application as filed has been furnished.				
	Ш	The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.				
4.	\boxtimes	The amendments have resulted in the cancellation of:				
		the description, pages NONE				
		the claims, Nos. NONE				
		the drawings, sheets/fig NONE				
5.	Ш	This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**				
*	* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in					
(ni. **	s repo Any r	rt as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17). eplacement sheet containing such amendments must be referred to under item I and annexed to this report.				



Form PCT/IPEA/409 (Box V) (July 1998)

International application No. PCT/US00/26285

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
1. STATEMENT			
Novelty (N)	Claims		
	Claims	NONE	NO
Inventive Step (IS)		NONE	
	Claims	1-17	NO
Industrial Applicability (IA)	Claims		YES
	Claims	NONE	NO
2. CITATIONS AND EXPLANATIONS Please See Continuation Sheet			
ricase see Continuation sheet			
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•			